

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL NO. 1456
Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

Hon. Patti B. Saris

Chief Mag. Judge Marianne B. Bowler

**JOHNSON & JOHNSON DEFENDANTS' MOTION TO DETERMINE THE
SUFFICIENCY OF PLAINTIFFS' RESPONSES TO (1) REQUESTS FOR ADMISSIONS
AND INTERROGATORIES CONCERNING REMICADE, AND (2) REQUESTS FOR
ADMISSIONS AND INTERROGATORIES CONCERNING PROCRIT**

The Johnson & Johnson Defendants¹ respectfully move this Court for an order compelling plaintiffs to provide substantive responses to (1) The J&J Defendants' Requests for Admissions and Interrogatories Concerning Remicade dated August 1, 2005; and (2) The J&J Defendants' Requests for Admissions and Interrogatories Concerning Procrit dated August 1, 2005; and for such other and further relief as the Court deems just and appropriate. The grounds for this motion are set forth in the accompanying memorandum of law, declaration of Andrew D. Schau, and exhibits thereto.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d) the undersigned counsel hereby request oral argument on the issues set forth in this motion and the accompanying memorandum of law and exhibits.

¹ Johnson & Johnson, Centocor, Inc., Janssen Pharmaceutica Products, L.P., Ortho Biotech Products, L.P., Ortho McNeil Pharmaceuticals, Inc., McNeil Consumer & Specialty Pharmaceuticals, Ortho Neutrogena, and Johnson & Johnson Healthcare Systems, Inc.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certify that counsel for the J&J defendants conferred with counsel for plaintiffs regarding the issues addressed in this motion, but were unable to resolve or further narrow the issues.

Dated: September 21, 2005

Respectfully submitted,

/s/ Andrew D. Schau

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Products L.P., Janssen Pharmaceutica L.P.,
Ortho Neutrogena Inc., Ortho McNeil
Pharmaceutical Inc. and McNeil-PPC*

Chief Mag. Judge Marianne B. Bowler

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CERTIFICATE OF SERVICE

I certify that on September 21, 2005, a true and correct copy of the forgoing
JOHNSON & JOHNSON DEFENDANTS' MOTION TO DETERMINE THE SUFFICIENCY
OF PLAINTIFFS' ANSWERS AND OBJECTIONS TO (1) REQUESTS FOR ADMISSIONS
AND INTERROGATORIES CONCERNING REMICADE, AND (2) REQUESTS FOR
ADMISSIONS AND INTERROGATORIES CONCERNING PROCRIT was served on all
counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order
No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Andrew D. Schau

Andrew Schau